

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

--	--	--	--	--	--	--	--	--	--

# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 2, 2021/2022

### UCL1622 - CONSTITUTIONAL LAW II

(All Sections / Groups)

21 APRIL 2022

Reading Time: 2.45 p.m. – 3.00 p.m.

(15 Minutes)

Answering Time: 3.00 p.m. – 6.00 p.m.

(3 Hours)

---

#### INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. Attempt **ONE** compulsory question under **Part A** and **THREE** out of Four questions under **Part B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are only allowed to bring in **CLEAN AND ORIGINAL COPY** of the following statutes into the exam venue :
  - i. Federal Constitution"Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

## **PART A: COMPULSORY QUESTION**

### **QUESTION 1**

The recent flood disaster that hit Taman Perdana had claimed lives and caused millions of Ringgits of damage to the neighbourhood. Realising this, the government had approved a total allocation of RM 2.5 billion to address the issue in the future. The funding includes constructing a massive underground reservoir for flood control.

Nevertheless, to make the plan possible, the government have to acquire several properties in Taman Perdana, which would involve the acquisition of 15 houses around the area for the project. Thus, the government agrees to pay RM100,000 for each affected household as compensation. However, the residents rejected the proposition, since according to them, the market value of a house is RM 800,000; thus, the compensation given is much lower than the actual value. Despite several negotiations, the government is adamant about the plan and threatens to move all the households forcefully if the residents still refuse to take the compensation. The also government reminded the affected residents that it is their civic and national duty to abide by the government's wishes.

Reacting to this, armed with 30 or so crowds of residents of Taman Perdana, Pak Ali, the chief of the township of Taman Perdana, and his followers started marching to the Prime Minister's Office. The primary purpose of the march was to meet the Prime Minister and address their grievances. Nevertheless, the crowd was forced to disperse by the security personnel once they reached the office gate. However, the group refuse to disperse amicably until they meet the Prime Minister. In the meantime, more residents from Taman Perdana came and joined Pak Ali and his followers in solidarity. As their numbers grew, things started to get out of hand. Roland, a German national who lived in Taman Perdana for the last 30 years, started giving a fiery speech accusing the government of being incompetent in handling the issue. He also cited that the underground reservoir project will not solve the flood issue since it will upset the ecological balance in the area. He also speculates that the move to construct the reservoir is profit-motivated rather than a sincere solution provider to the residents' grievances.

Suddenly, the police started firing tear gas shots and storm into the crowd arresting the participants without warning. Two police constables, namely Karim and Kamal, started beating the participants, including Pak Ali and Roland, despite explicitly being ordered by their superior officer not to. Pak Ali and Roland were arrested and taken to the nearest police station. However, they are not being produced before the magistrate, although five days have passed since their detention.

Advise all relevant parties.

**(Total: 25 marks)**

**Continued...**

**PART B: ANSWER THREE OUT OF FOUR QUESTIONS.****QUESTION 2**

Despite Article 3(1) acknowledging that Islam is the religion of the federation, however, the concept of freedom of religion is also constitutionally recognised that other faiths can be practised in harmony subjected to several limitations.

Discuss the statement above with reference to relevant case laws and constitutional law principles.

**(Total: 25 marks)**

**QUESTION 3**

*“Personal Liberty does not merely mean liberty of the physical body. It means much more than a right not to be subjected to unlawful arrest, imprisonment or physical coercion.”*

- Prof Shad Saleem Faruqi, in 'Our Constitution'

Explain the position in Malaysia with reference to the rights as mentioned above and state the relevant constitutional provisions and case law.

**(Total: 25 marks)**

**QUESTION 4**

*“Article 8(1) provides 'All persons are equal before the law and entitled to the equal protection of the law'. However, like the preceding provisions, right to equality is not absolute..”*

- Abdul Aziz Bari, in 'Malaysian Constitution – A Critical Introduction'

Based on the statement above, explain the theory and the application of the concept of equality in Malaysia, with reference to decided cases and constitutional law principles.

**(Total: 25 marks)**

**Continued...**

**QUESTION 5**

Articles 149 and 150 of the Federal Constitution are much too capricious. This may lead to all sorts of abuses. Such articles violate constitutional norms and therefore should be repealed.

Discuss.

**(Total: 25 marks)**

**End of Page**